

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THE LATINO PEACE OFFICERS
ASSOCIATION, A California
Corporation, MARK MARTINEZ,
for himself and others similarly situated,

Plaintiffs,

vs.

HAL DAUB, Mayor of the City of Omaha;
MICHELLE (sic) FROST, Personnel
Director of the City of Omaha; DONALD
L. CAREY, Chief of Police of the City
of Omaha; and THE CITY OF OMAHA
a Municipal Corporation,

Defendants.

4:86CV525

SECOND AMENDMENT TO
CONSENT DECREE

The parties herein have agreed to the following Second Amendment to Consent Decree in the above-entitled proceeding. The original Consent Decree was entered on January 3, 1989, a copy of which is reproduced in filing 85. The First Amendment to Consent Decree was entered on July 19, 2001, a copy of which is reproduced in filing 85. Accordingly, the Consent Decree and First Amendment to Consent Decree previously entered in this case are hereby amended as follows:

1. Paragraph 7 of the First Amendment to Consent Decree is deleted and the following paragraph is substituted therein:

It is the purpose and intent of this Decree to ensure that Hispanics are not disadvantaged by the hiring, promotion, assignment, and other employment policies and practices of the OPD and that practices and policies, if any, that may have had an adverse effect on Hispanics in the past are remedied so that equal employment opportunity be provided to all. The goal of this Consent Decree is to ensure that the composition of the Omaha Police Division, at all ranks and levels, be reflective of the availability of Hispanics for sworn positions in the Omaha Police Division.

A. Subject to the availability of qualified applicants, the City of Omaha will hire sufficient numbers of Hispanic officers on to

the OPD to result in an overall workforce consisting of 10% Hispanic officers within three (3) years of the entry of this Second Amended Decree, including 10% Hispanics at the entry-level police officer rank.

B. For promotional sworn positions in the OPD, the goal shall be to appoint Hispanics in no less than their proportion to all other officers who are qualified for the rank or position in question. It is understood and agreed that the proportion and resultant ratios are based on employees who satisfy the qualifications for rank or position and not on employees who are on an eligibility list after taking a promotional examination.

The hiring of promotional objectives set forth herein are goals rather than quotas.

So ordered this 14th day of November, 2007.

BY THE COURT:
s/ Richard G. Kopf
United State District Judge

CONSENTED TO:

LATINO PEACE OFFICERS ASSOCIATION, a California Corporation, et al., Plaintiffs,

By s/Raymond Aranza
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CITY OF OMAHA, a Municipal Corporation, et al., Defendants,

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